

HOUSE BILL 2680

By Womick

AN ACT to amend Tennessee Code Annotated, Title 47;  
Title 60 and Title 67, relative to gasoline.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 25, Part 20, is amended by adding the following language as a new, appropriately designated section:

47-25-2007.

(a) At each retail station in this state, retailers shall offer to consumers at least two (2) gasoline pumps that dispense gasoline that does not contain ethanol.

(b)

(1) Upon a complaint by a consumer and upon investigation by the commissioner of agriculture and after the commissioner determines that a retailer in this state is in willful noncompliance with this section, the commissioner of agriculture may assess fines up to five thousand dollars (\$5,000) per day for each day of the willful violation. The fines shall be used to pay for the cost of investigation, hearing and other related administrative costs.

(2) Upon receiving a complaint and initiating an investigation, the commissioner or the commissioner's agent, presenting appropriate credentials, is authorized to enter the place of business of any retailer in this state during normal business hours to examine, and obtain samples of, such records as may be necessary to determine compliance with this section. Retailers in this state shall hold the records open for inspection by all officers or inspectors charged with the enforcement of this section, and shall preserve and retain the records for a period of at least one (1) year. If the owner of any retailer, or the owner's

agent, refuses to admit the commissioner or the commissioner's agent, to inspect in accordance with this section, the commissioner is authorized to obtain from any state court a court order directing the owner or the owner's agent to submit the premises described in the warrant to inspection.

(3) A retailer who is aggrieved by a proposed departmental order to enforce this section shall be entitled to a contested case hearing to be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(c) For purposes of this section:

(1) "Gasoline":

(A) Means any refined product derived from crude petroleum that was originally in an oil phase in a reservoir and is used to power any type of motorized engine; and

(B) Does not include specially refined fuels such as diesel, jet fuel or aviation fuel; and

(2) "Gasoline pump" means a pump in a retail station that draws gasoline from an underground storage tank or tanks mechanically by pressure or suction.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it.